

Message Text

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ACTION ARA-14

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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 2491
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

UNCLAS BRASILIA 5361

E.O. 11652: N/A
TAGS: BR, SGEN
SUBJECT: BRAZILIAN LEGISLATURE LEGALIZE DIVORCE

1. MEETING IN A JOINT SESSION, THE BRAZILIAN SENATE AND CHAMBER OF DEPUTIES GAVE THEIR FINAL APPROVAL JUNE 23 TO A CONSTITUTIONAL AMENDMENT LEGALIZING DIVORCE. THE VOTE IN FAVOR WAS 226 TO 159, WITH ARENA SPLIT EQUALLY INTO PRO AND CON FACTIONS WHILE MDB LEGISTAROS NOTED FOUR TO ONE IN FAVOR OF THE AMENDMENT. A SUBSTANTIAL NUMBER OF USUALLY-CONSERVATIVE ARENA REPRESENTATIVES, ESPECIALLY FROM THE NORTHEAST, VOTED IN FAVOR OF THE BILL WHILE SOME LIBERAL MDB LEGISLATORS FROM THE SOUTH WERE OPPOSED. OPPOSITION WAS EXPLAINED BY SOME AS AN EXPRESSION OF SOLIDARITY WITH CHURCH SUPPORTER WHOSE LIBERAL AND CONSERVATIVE WINGS WERE UNITED AGAINST DIVORCE. IN THE WEEKS PRECEDING THE VOTE, ANTI-DIVORCE DEMONSTRATIONS WERE HELD IN A NUMBER OF CITIES, AND CONGRESSMEN HAVE BEEN SUBJECT TO INTENSE CONSTITUENT PRESSURE.

2. THE AMENDMENT'S PASSAGE WAS MADE POSSIBLE BY THE GOVERNMENT'S APRIL REFORMS, WHICH ESTABLISHED A SIMPLE MAJORITY VOTE OF CONGRESS FOR INSTITUTION OF CONSTITUTIONAL AMENDMENTS;
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UNDER THE PREVIOUSLY-REQUIRED TWO-THIRDS MAJORITY, THE DIVORCE AMENDMENT WOULD NOT HAVE PASSED. CIVIL LEGISLATION ESTABLISHING THE ACTUAL REQUIREMENTS FOR DIVORCE IS EXPECTED TO BE ENACTED IN AUGUST.

3. COMMENT. THE VOTE ON THE DIVORCE AMENDMENT WAS ONE OF THE FEW ISSUES UPON WHICH REVOLUTIONARY GOVERNMENT HAS

ALLOWED THE CONGRESS TO AUTONOUSLY MAKE A DECISION OF
NATIONAL IMPORT. PRESIDENT GEISEL REMAINED ALLOF THROUGHOUT
THE DEBATE ON DIVORCE, PROBABLY BELIEVING THAT THE GOVERNMENT'S
SUPPORT OR OPPOSITION WOULD PRODUCE ONLY POLITICAL LIABILITIES
AND THAT HIS LUTHERANISM WOULD MAKE HIM VULNERABLE
TO CRITICISM REGARDLESS OF WHATEVER POSITION HE ESPOUSED.
AS IT IS, SOME ANTI-DIVORCE FACTIONS HAVE ALREADY BEGUN TO
BLAME THE PRESIDENT FOR THE AMENDMENT'S PASSAGE, NOTING THAT
IT WAS ONLY MADE POSSIBLE AS A RESULT OF THE APRIL REFORMS,
WHICH LOWERED THE REQUIRED VOTE FOR CONSTITUTIONAL
AMENDMENTS FROM TWO-THIRDS TO AN ABSOLUTE MAJORITY.
JOHNSON

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